

REMARKS

This communication responds to the Office Action mailed on May 30, 2008. Claims 1, 6, 9, and 12 are amended, claims 2-3, 13, 30-39, and 44-46 are canceled, and no claims are added. As a result, claims 1, 4-12, 14-17 and 40-43 are now pending in this Application. Claims 6-11 are presently withdrawn from consideration.

Allowable Subject Matter

An objection was raised to claims 3 and 13 as being dependent on a rejected base claim. However, these claims were noted to be allowable if amended to include all limitations of the associated base claim and any intervening claims. Claims 40-43 were allowed.

§103 Rejection of the Claims

Claims 1-2 and 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over McAndrew (U.S. Patent No. 6,066,402) in combination with Shimizu et al. (Publication No. 59085395) and the applicant's admitted prior art (AAPA) of this application. Claims 12 and 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over McAndrew in combination with the AAPA. These rejections are traversed. In addition, given the amendments to claims 1 and 12, it is believed these rejections are now moot.

The Applicant has amended independent claims 1, 6, 9, and 12 to include all of the limitations recited in allowable claim 3. These amendments are not to be considered an admission by the Applicant, or in any way an agreement with the assertions or arguments made by the Office – they are merely an expedient to advance prosecution.

Since each of the rejected claims now includes the limitations of allowable claim 3, it is believed that independent claims 1 and 12, as well as all of their dependent claims, are now in condition for allowance.

Since withdrawn independent claims 6 and 9 have also been amended to include all of the limitations of allowable claim 3, it is respectfully requested that the Examiner rejoin claims 6 and 9 in this application, as well as their dependent claims 7-8 and 10-11, since these should now also be in condition for allowance.

As noted previously, claims 40-43 have been allowed.

CONCLUSION

The Applicant respectfully submits that all of the pending claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the Applicant's attorney at (210) 308-5677 to facilitate prosecution of this Application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date: August 1, 2008

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of August 2008.

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